

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

JAMES WAYNE JOHNSON,

Plaintiff,

v.

WARDEN FCI,

Defendant.

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CIVIL ACTION NO. 5:20-CV-00003-RWS

**ORDER**

James Wayne Johnson, proceeding *pro se*, filed this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. The Court referred this matter to the Honorable Caroline M. Craven, United States Magistrate Judge, for consideration pursuant to 28 U.S.C. § 636. The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge recommending the petition be dismissed without prejudice. Docket No. 8.

The Court has considered the Report and Recommendation of United States Magistrate Judge along with the record and pleadings. Petitioner received the Report and Recommendation no later than June 29, 2021. Docket No 10. No parties filed objections to the Report and Recommendation. Accordingly, Petitioner is not entitled to *de novo* review by the District Judge of those findings, conclusions and recommendations, and except upon grounds of plain error, he is barred from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. 28 U.S.C. § 636(b)(1)(C); *Douglass v. United Servs. Auto. Assoc.*, 79 F.3d 1415, 1430 (5th Cir. 1996) (en banc).

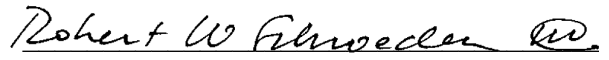
Nonetheless, the Court has reviewed the pleadings in this case and the Report of the Magistrate Judge and agrees with the Report. *See United States v. Raddatz*, 447 U.S. 667, 683

(1980) (“ ‘[T]he statute permits the district court to give to the magistrate’s proposed findings of fact and recommendations ‘such weight as [their] merit commands and the sound discretion of the judge warrants . . . .’ ”) (quoting *Mathews v. Weber*, 423 U.S. 261, 275 (1976)). As the Bureau of Prisons has not had the chance to calculate Petitioner’s federal sentence, his petition is not yet ripe for review.

The Court hereby **ADOPTS** the Report and Recommendation of the United States Magistrate Judge (Docket No. 8) as the findings and conclusions of this Court. Accordingly, it is

**ORDERED** that this petition for writ of habeas corpus is **DISMISSED WITHOUT PREJUDICE**.

**So ORDERED and SIGNED this 21st day of July, 2021.**

  
ROBERT W. SCHROEDER III  
UNITED STATES DISTRICT JUDGE